

**CHAPTER 13 SUGGESTIONS
MIAMI-DADE DIVISION
NANCY N. HERKERT, ESQUIRE
STANDING CHAPTER 13 TRUSTEE
(rev. 05/01/03)**

The following suggestions are provided to assist debtors filing for Chapter 13 in the United States Bankruptcy Court for the Southern District of Florida in the Miami-Dade Division and for those cases designated ***“North Dade Chapter 13 Code 5” cases pursuant to Administrative Order 99-8 “Modification of Procedures for Assigning Divisional Venue of Specified “North Dade” Chapter 13 Cases”***. Although these comments are believed to reflect the court's present position, they are not binding upon the judges. Debtors are directed to consult their attorneys to make certain all papers are completed accurately and deadlines are timely met.

PETITION

A joint petition may be filed by a husband and wife [11 U.S.C. § 302]. Petitions must be accompanied by a service matrix listing all of the debtor's creditors [Local Rule 1007-2(A)]; See also “Clerk's Instructions to Debtor for Submission of Initial Creditor Service Matrix and Requirements for Submitting Subsequent Amendments”). All petitions must comply with Local Rules 1002-1, 1007-1, and 1007-2. Failure to comply with these Local Rules may result in the dismissal of the case. [Local Rule 1017-2]

FEES

ATTORNEYS' FEES

All attorney and non-attorney petition preparer fees must be disclosed. The debtor's attorney or petition preparer must sign a local form disclosure statement and complete the certification on page two of the petition form [Bankruptcy Rule 2016(b), Local Rule 2016-1, and 11 U.S.C. § 110(h)].

Attorneys who charge more than \$2,500.00 for a case, more than \$500.00 for each modification of a plan after confirmation, or more than \$75.00 in estimated expenses shall submit an application to the court in accordance with the “Guidelines for Compensation for Professional Services or Reimbursement of Expenses by Attorneys for Chapter 13 Debtors” [“Chapter 13 Fee Guidelines”; Local Rule 2016-1(B)(2)(a)].

All Chapter 13 Fee applications shall be filed and served on the debtor and the Chapter 13 Trustee no later than 10 days prior to the confirmation hearing and notice shall be provided to all interested parties that the fee application will be heard at the confirmation hearing set in the Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, Deadlines & Court's Confirmation Procedures. [Local Rule 2016-1(C)(4)].

If a case is dismissed or converted prior to confirmation and if the retainer agreement so provides, the debtor's attorney may request and receive fees from monies paid to the Chapter 13 Trustee, without separate application to the court, but the total fee, including any fees previously paid, may not exceed \$2,000.00. [“Chapter 13 Fee Guidelines”].

Unless a request for fees is made upon the Chapter 13 Trustee, along with a copy of the retainer agreement, or a formal application to the court for fees is set for hearing on the confirmation calendar, the Trustee will return all remaining funds (except for any

filing fees due which shall be remitted to the clerk) in the debtor's account directly to the debtor as soon as practicable following the dismissal or conversion of a Chapter 13 case.

CHAPTER 13 FILING FEE

The debtor must pay a filing fee in the amount of \$185.00 which includes a \$30.00 miscellaneous noticing fee.

PAYMENT OF FILING FEE IN INSTALLMENTS

If the court permits the debtor to pay the filing fee in installments, the entire filing fee must be paid in full before the proposed plan can be confirmed [Local Rule 1006-1(A)(3)]. A request for payment of fees and installments must be submitted using Local Form "Application by Individual Debtor to Pay Filing and Administrative Fees in Installments". Failure to pay the installment payments in a timely manner will result in a dismissal of the case without further notice of the court [Local Rule 1006-1(D)].

TRUSTEE'S FEES AND COSTS

The Trustee will retain a maximum of ten percent of all payments made under the confirmed plan pursuant to 28 U.S.C. § 586(e). Therefore, the debtor must provide an additional ten percent as and for the Trustee's fee over all proposed payments to creditors under the plan.

SCHEDULES AND STATEMENT OF FINANCIAL AFFAIRS

The debtor may file completed schedules and a statement of financial affairs with the petition (or at the time of conversion to chapter 13), or if a list of all creditors and their addresses is filed with the petition, within 15 days following the filing of the petition [Bankruptcy Rule 1007(c)]. The failure to comply in a timely manner will result in the case being dismissed [11 U.S.C. § 1307(c)(1)] [Local Rule 1017-2(A)]. If the debtor is unable to meet this deadline and requests an extension of time in which to file from the court, a copy must be forwarded to the Trustee and all parties who have requested notice [See Local Rules 1007-1(C), 1019-1(A) and 9013-1(C)(2)]. [see also "Amendments" below].

The information provided must be complete and accurate. Complete and current addresses of all creditors must be included. The debtor is not protected against a creditor who is not listed properly in the schedules, absent that creditor's actual knowledge that the debtor has filed for bankruptcy [11 U.S.C. § 523(a)(3)].

The debtor must list all claimed exemptions in the schedules [Bankruptcy Rule 1007(b)] and report all income. All expenses must be listed in either the form of payroll deductions or as part of the debtor's estimated budget. The Trustee will examine those expenses to determine whether they are reasonable and necessary and the debtor must be prepared to justify each provision with supporting documentation.

THE PLAN

The plan must provide for the submission of all or an adequate portion of the debtor's future earnings or other income to the Trustee for its execution and must be completed no later than 60 months following the petition filing date [11 U.S.C. §1322 and §1325].

The plan must conform to the local one-page chapter 13 plan form approved by the U.S. Bankruptcy Court for the Southern District of Florida pursuant to Local Rule 3015-1(B)(1). A copy of the local form "Chapter 13 Plan" is attached hereto with the Trustee's Guidelines for Completion.

Contemporaneously with the filing of the Chapter 13 plan, the debtor shall serve on the Trustee evidence of debtor's income, including copies of the debtor's tax return for the year preceding the filing of the petition and the last three pay stubs received prior to filing of the petition. [Local Rules 2083-1(A)(2) and 3015-1(B).(2)] **DO NOT FILE THESE DOCUMENTS OR A CERTIFICATE OF SERVICE OF THESE DOCUMENTS WITH THE COURT.**

The debtor must report all delinquent taxes along with all other priority claims and provide for their full payment. It is strongly suggested that the debtor contact the appropriate taxing authority, prior to filing, to determine whether or not taxes are due and owing, and provide for them accordingly in the plan. Failure to do so will result in an unnecessary delay and a possible dismissal of the case.

If the debtor chooses to classify claims, each claim within a class must be treated equally. [11 U.S.C. §1322(a)(3)] Unfair discrimination is prohibited. [11 U.S.C. § 1322(b)(1)].

A plan may provide for the curing of a default while the case is pending provided regular payments are maintained through the plan and the last payment is due after the date on which the final payment under the plan is due [11 U.S.C. § 1322 (b)(5)].

If the plan proposes to cure a mortgage default pursuant to 11 U.S.C. § 1322(b)(5), the debtor must provide for payment of property taxes and insurance not paid by the secured creditor in the budget as monthly expenses.

Further, the plan must clearly state the arrearage amount claimed by the creditor and include any costs and attorneys' fees incurred as a result of state court or other proceedings, along with the proposed arrearage payment schedule. It is strongly suggested that the debtor's attorney contact secured creditors, prior to filing, to determine the total amount due.

The plan must provide for the continuation of all monthly payments, including all regular mortgage payments, taxes and insurance. If a regular payment is not included in the plan, the debtor must be current and specifically list it as being paid "direct" and is expected to keep current on that debt. If the debtor does not intend to continue making payments on a secured debt, the debtor must specifically list it as being "surrendered" on the plan.

The Trustee will abandon secured property which is not administered through the plan upon confirmation. The debtor must promptly surrender any collateral which secures a debt that is not current to the creditor, once the Trustee abandons it (11 U.S.C. §1325(a)(5)(C)). The abandonment shall be deemed approved without the necessity of a hearing or order if no objection to the abandonment is filed and served upon the

debtor and the Chapter 13 Trustee within 10 days after entry of the confirmation order [Local Rule 6007-1(B)(2)].

If the plan does not provide for payments to a secured creditor, such creditor is granted in rem stay relief to pursue available state court remedies against any property which secures the creditor's claim, whether the claim is listed as direct or surrendered.

If the debtor seeks determination of valuation pursuant to 11 U.S.C. § 506(a) and Bankruptcy Rule 3012 and Local Rule 3015-3(A), such determination must be specified by filling in the valuation section of the Local Form "Chapter 13 Plan". In addition, a chapter 13 debtor seeking to value collateral must serve a local form "Motion to Value Collateral in Plan and Notice of Hearing" on affected parties in accordance with BR 7004 and at least 20 days prior to the date of the confirmation hearing [Local Rule 3015-3(A)(1)]. Any oral or written objections to such determination must be raised at or before the confirmation hearing. Objections to the motion will be heard at the confirmation hearing scheduled in the case. If no oral or written objections are timely raised, the valuation specified in the plan will be binding upon the affected creditor. [Local Rule 3015-3(A)(2)].

AMENDMENTS

There is an additional \$20.00 fee payable at the time of filing to the Clerk, United States Court, to add or delete a creditor from a schedule, list, or creditor service matrix, or to change amounts or classifications of creditors listed on schedules D, E or F. The fee is for each paper filed, not each amendment listed on the paper. Personal checks of the debtor will not be accepted. It is important that the debtor carefully review the schedules, prior to filing, to make certain all listed debt amounts are accurate and all information provided is correct.

If it becomes necessary to file an amendment, the debtor is directed to file an original with the Clerk, accompanied by Local Form "Debtor's Notice of Compliance with Requirements for Amending Creditor Information", and furnish a copy to the Chapter 13 Trustee, the U.S. Trustee and any other party affected by the amendment, including a copy of the notice of the First Meeting of Creditors and any subsequent notices amending the information contained in the original notice. If applicable, a supplemental matrix must be filed with the amendment in accordance with the Clerk's Instructions to Debtor for Submission of Initial Creditor Service Matrix and Requirements for Submitting Subsequent Amendments [Local Rules 1007-2 and 1009-1(C)].

PAYMENT UNDER THE PLAN

The debtor must begin making payments to the Trustee under the plan, no later than 30 days following the filing date of the petition or date of conversion, not from the date the plan is filed [Local Rule 3070-1; 11 U.S.C. § 1326(a)]. If the debtor is not current at the time of the meeting of creditors, the case may be dismissed without further notice [Local Rule 3070-1(B)(1)].

A debtor who is not self-employed must submit a local form "Agreed Order to Employer to Deduct and Remit and For Related Matters" ("Wage Deduction Order") (see attached Exhibit A) to the court prior to the 341 meeting of creditors. It is not necessary to submit a Motion for the Wage Deduction Order; however, the proposed Order should be signed by the debtor and debtor's counsel. If a Wage Deduction Order is not submitted, the

court will conduct an evidentiary hearing to determine feasibility along with the confirmation hearing. The court will not confirm a case without a Wage Deduction Order in place, absent extenuating circumstances. [Local Rule 3070-1(C)].

The proposed monthly payment must be made in "good faith", representing the maximum amount the debtor is able to afford based upon disposable income. Disposable income is calculated by subtracting monthly expenses from monthly income. If the debtor's income or expenses fluctuate from month to month, the debtor should determine disposable income based upon yearly averages and list them accordingly in Schedules I and J.

The debtor is directed to file appropriate documentation (e.g. an affidavit of support and forgiveness) if the monthly plan payment exceeds the debtor's disposable income, and forward a copy of such documentation to the Trustee for review prior to the 341 meeting of creditors. The Trustee will not recommend confirmation of any plan in which the debtor does not provide evidence of feasibility.

An additional 10% must be provided as the Trustee's fee and cost allowance over all proposed payments to creditors under the plan [See 11 U.S.C. § 1326(b)(2)]. For example, if the plan indicates the combined payment to all secured creditors is \$1000.00 per month, the debtor must add an additional 10% for the Trustee's fee, or \$100.00, for a total monthly payment of \$1100.00.

Secured creditors may be provided for first in the plan, followed by priority and general unsecured claimants. Once arrearage payments to secured creditors have been cured through the plan, regular monthly payments must be paid directly to the secured creditors by the debtor. The monthly plan payment to the Trustee will be reduced only by the amount of those direct payments of continuing debt if subsequent monthly payments to priority and unsecured creditors continue after secured debt is cured.

Priority creditors must be paid 100% through the plan [11 U.S.C. § 1322(a)(2)]. Ongoing regular support payments must also be included in the plan when curing support arrears unless ongoing payments are paid through the state depository via automatic deduction from the debtor's pay.

Allowed unsecured creditors will be paid in full or pro rata, as permitted by the court, depending upon the payment amount and term of the plan. All plans will provide for pro rata distributions to allowed unsecured claimants. The minimum payment to priority and allowed unsecured claimants cannot be less than the value of the debtor's non-exempt property [11 U.S.C. § 1325(a)(4)]. The Trustee will object to any plan which does not meet the "Chapter 7 liquidation test" or is for a period of less than 36 months [11 U.S.C. § 1325(b)(1)].

Until a claim is denied or reduced by the court, a plan must provide for the amount as claimed by the creditor. Not later than 20 days after the expiration of the claims bar date, the attorney for the debtor shall examine, from records maintained by the clerk, the claims register and copies of all claims filed in the case to determine whether additional action is necessary. [Local Rule 2083-1(B)(1)] A Local Form "Notice of Compliance by Attorney for Debtor with Local Rule 2083-1(B) Claims Review Requirement" must be filed with the court and served on the Trustee. [Local Rule 2083-1(B)(2)]. **Note: This requirement does not apply to debtors not represented by attorneys.**

DELINQUENCY AFTER CONFIRMATION OF PLAN

If the debtor fails to timely make any plan payment to the Chapter 13 Trustee, the Trustee may serve a Notice of Delinquency upon the debtor and the debtor's attorney. The debtor will have 45 days from the date of the Notice of Delinquency to make all payments due under the plan, including any payments that become due within the 45-day period. Debtors seeking to cure the delinquency in a modified plan must file a motion to modify the confirmed plan within 15 days of the date of the Notice of Delinquency.

If the debtor is not current in the plan payments on the 45th day after the date of the Notice of Delinquency, the Trustee will file and serve a report of non-compliance and the case will be dismissed without further notice or hearing. Dismissal will be with prejudice to the debtor filing any bankruptcy case for a period of 180 days from the entry of the order of dismissal. The court will not extend these deadlines absent extraordinary circumstances. [Local Rule 3070-1(B)(2)].

CREDITORS

A creditor may oppose the plan by objection filed at or before the First Meeting of Creditors, (or "341 Meeting") with a copy provided to the Trustee, debtor and debtor's counsel. The court will not consider a creditor's objection to confirmation unless it is raised at or before the 341 Meeting or based upon valuation of collateral provided to in the plan pursuant to Local Rule 3015-3. The court has the discretion to confirm the plan without the acceptance of the unsecured creditors if the plan meets the requirements of 11 U.S.C. § 1325.

The Trustee will not make a distribution to unsecured creditors who have not filed a claim. Claims must be filed with the Clerk of the Court not later than ninety days after the first date set for the 341 Meeting. [Bankruptcy Rule 3002]. Scheduled creditors will receive a bar-coded claim form in the mail with the Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, Deadlines & Court's Confirmation Procedures. Creditors should use this form to file their claim.

MEETING OF CREDITORS AND CONFIRMATION HEARING

A 341 Meeting will be scheduled between twenty and fifty days after the case is filed pursuant to 11 U.S.C. § 341 and Bankruptcy Rule 2003. You must bring re-signed copies of tax returns (including applicable schedules and W-2 forms) for the three years preceding the filing, conversion or reinstatement of the debtor's case to the 341 Meeting to give to the IRS. Both husband and wife must re-sign the copies of the joint returns with original signatures even if only one spouse is a debtor. [Local Rule 2083-1(A)(1)]. **DO NOT FILE THESE DOCUMENTS OR A CERTIFICATE OF SERVICE OF THESE DOCUMENTS WITH THE COURT.**

DEBTORS WILL BE REQUIRED TO PROVIDE THEIR ORIGINAL, GOVERNMENT ISSUED, PICTURE ID AND ORIGINAL PROOF (NOT COPIES) OF THEIR SOCIAL SECURITY NUMBER WHEN THEY APPEAR AT THE 341 MEETING TO DISCUSS THEIR FINANCIAL OBLIGATIONS.

Permissible forms of identification include a valid state driver's license, government-

issued picture identification card, U.S. passport, or legal resident alien card. Proof of the Social Security Number may be provided through documents such as, the original Social Security card or payroll check stub.

A confirmation hearing will be held shortly thereafter, if necessary. Due to noticing requirements, scheduling problems and the effect of the automatic stay, 341 Meetings are rarely rescheduled by the court [Local Rule 2003-1]. Therefore, the case should not be filed until the debtor is able to be present at the 341 meeting to answer questions, under oath, regarding income, expenses, assets and debts.

Note: Those cases designated "North Dade Chapter 13 Code 5" cases pursuant to Administrative Order 99-8 will be assigned to one of the two judges chambered in Ft. Lauderdale, instead of to a Miami Division judge. The 341 meeting for these cases will be held in Miami, however hearings before the judges will be held in Ft. Lauderdale. Please note hearing locations on any notice you receive to ensure that you appear at the correct location.

DEBTORS WILL BE REQUIRED TO PROVIDE PROOF OF IDENTITY TO ENTER THE COURT SUCH AS A VALID STATE DRIVER'S LICENSE, GOVERNMENT ISSUED PICTURE IDENTIFICATION CARD, U.S. PASSPORT.

The Trustee may submit a proposed order dismissing the case if the debtor does not appear at the 341 Meeting or is not current in plan payments under the plan as originally filed. The case may be dismissed without further notice or hearing. Dismissal will be with prejudice to the debtor filing any bankruptcy case for a period of 180 days from entry of the Order of Dismissal. [Local Rules 1017-2(C) and 3070-1(B)(1)].

The Trustee will evaluate the debtor's schedules, statement of financial affairs and plan and investigate the debtor's circumstances prior to the 341 Meeting. All amendments must be filed with the court and sent to the Trustee not later than 10 day prior to the confirmation hearing to avoid unnecessary delays and potential sanctions [Local Rule 1009-1(F)].

A plan is not proposed in good faith if only nominal payments are proposed, or if the proposed payments do not represent the debtor's reasonable best effort considering income and essential expenses. It is also not in good faith to propose a plan payment which is beyond the debtor's ability to pay.

The Trustee will conduct the 341 Meeting and determine if a confirmation hearing is necessary. If no oral or written objection is raised at or before the 341 Meeting, or if all oral and written objections are either withdrawn or settled by the parties at or before the 341 Meeting, the Trustee may cancel the previously scheduled confirmation hearing and submit a proposed Local Form "Order Confirming Uncontested Chapter 13 Plan" [Administrative Order 02-2].

If the plan is amended at or before the 341 Meeting and all oral or written objections timely raised are either withdrawn or settled by the parties at or before the 341 Meeting, the Trustee may cancel the confirmation hearing and submit a proposed Local Form "Order Confirming Uncontested Chapter 13 Plan and Notice of Opportunity to Object to Amended Plan".

As soon as practicable after receipt of the signed Confirmation Order, the Trustee will

serve a copy of the amended plan and Confirmation Order on all parties of record. This Order and Notice shall notify any creditor whose treatment under the amended plan was amended from the plan as originally filed of the right to object within 25 days of entry of the Order [Administrative Order 02-2].

If an objection has not been withdrawn or settled at or before the 341 Meeting or the Trustee determines the plan is not confirmable, the Trustee will announce that the confirmation hearing will be held as scheduled in the Notice of Commencement of Case. No additional notice will be provided.

The Trustee will review all objections raised at or before the 341 Meeting which are not withdrawn or settled. Based upon the information provided and the testimony presented at the 341 Meeting, the Trustee will make a recommendation at the confirmation hearing as to the debtor's ability to comply with the terms of the proposed plan [11 U.S.C. §1302(b)].

If the court confirms an amended plan that is not filed with the court prior to entry of the confirmation order, the case will be dismissed without any notice or hearing.

DISTRIBUTION TO CREDITORS

The Trustee will commence disbursing payments to creditors provided for in a confirmed plan as soon as practicable after receipt of the signed Confirmation Order. If the court orders payments "vested" to certain creditors prior to confirmation, the Trustee will disburse those payments as soon as practicable after receipt of a dismissal, conversion or confirmation order.

The Trustee is prohibited from making a distribution to unsecured creditors earlier than 90 days following the 341 Meeting; however during that period, the Trustee will make payments on secured claims, cure defaults, pay priority claims and other payments ordered by the court.

It is the responsibility of the debtor's attorney to ensure that payment pursuant to the plan is consistent with Proofs of Claim filed by creditors. In the event a filed claim conflicts with the confirmed plan, the plan must either be modified to reflect the claim amount or an objection to the claim must be made and sustained.

PLAN MODIFICATION

Occasionally, modification of the confirmed plan will become necessary. A modification must be proposed in accordance with 11 U.S.C. § 1329. The debtor must move to modify the plan upon notice and hearing [Local Rule 9013-1(D)(4)(c)(ix)].

Modified plans must conform to the local Chapter 13 one-page plan form. See attached Exhibit B "Guidelines for Completing Plan Modifications After Confirmation".

If the claims bar date has passed, the debtor's attorney is expected to have reviewed the claims register before proposing the modification so that the new plan is consistent with the claims filed.

DISMISSAL OR CONVERSION

The debtor may file a voluntary notice to dismiss at any time if the case had not been previously converted to Chapter 13 [11 U.S.C. § 1307(b)], or convert the case to a Chapter 7 at any time [11 U.S.C. § 1307(a); See also Local Rule 1019-1]. The Trustee or any creditor may request dismissal of the case or conversion to Chapter 7 orally at the confirmation hearing or by written motion at any time [11 U.S.C. § 1307(c)]. The debtor's failure to file required papers timely, failure to appear at a court hearing, denial of confirmation, or default in payments pursuant to the Plan will normally require either dismissal or conversion.

The debtor should be prepared to advise the Trustee at the 341 Meeting or the court at the confirmation hearing whether conversion or dismissal is preferred in the event confirmation is denied. Dismissal will usually be with prejudice to the filing of another bankruptcy petition earlier than 180 days following entry of the order of dismissal. A dismissal will automatically terminate the stay, permitting creditors to proceed under state law [11 U.S.C. § 362(c)(2)(B); see also Local Rules 1017-2 and 1019-1].

Conversion to Chapter 7 does not terminate the automatic stay; however, the debtor must surrender all nonexempt assets [11 U.S.C. §§ 521(4) and 1306(b)]. If the case is converted, the debtor must file all required reports pursuant to Bankruptcy Rule 1019 and Local Rule 1019-1, and comply with the instructions of the Chapter 7 Trustee assigned to the case. Any remaining filing fee installment payments or Clerk's fees are due upon dismissal pursuant to Local Rule 1017-2(E); therefore, the Trustee will deduct the balance owed prior to returning any remaining funds to the debtor [Local Rule 1017-2(F)(3)].

DEBTOR'S PAYMENT

The debtor's attorney is directed to advise the debtor that the initial proposed plan payment must be remitted to the Trustee no later than thirty days from the filing of the petition, not the plan, in accordance with Local Rule 3070-1.

The Trustee will hold all plan payments prior to confirmation unless otherwise directed by the court. All payments must be made by payroll deduction, cashier's check or money order to:

**NANCY N. HERKERT, ESQUIRE
STANDING CHAPTER 13 TRUSTEE
POST OFFICE BOX 2099
MEMPHIS, TN 38101-2099**

**PERSONAL CHECKS AND CASH WILL NOT BE ACCEPTED.
PAYROLL DEDUCTION ORDERS ARE STRONGLY ENCOURAGED.**

The debtor's name and case number must be properly listed on all payments. The Trustee prefers that the debtor's social security number is also listed on the payment in addition to the name and case number. The Trustee may return any payment that does not comply with the above-mentioned requirements and the debtor will not be credited for that payment.

NOTICES

The debtor's attorney is required to provide notice of Chapter 13 orders to all creditors. Examples of such orders include, but are not limited to, confirmation orders (other than confirmation orders served by the clerk or Chapter 13 Trustee), orders of confirmed plan modifications, and orders determining the status of a claimant. Unless otherwise directed by the court, the clerk's office will serve copies of the 341 Meeting notice, the plan, the amended plan if the debtor is not represented by counsel, confirmation order, dismissal or conversion order, and discharge of debtor on all parties except those parties added pursuant to Local Rules 1007-2(B) or 1009-1(C). The debtor is still responsible for serving the trustee and all creditors with a copy of any amended plan.

DEBTOR'S CONTINUING DUTY

The debtor is under a continuing duty to advise the Trustee and the Court, in writing, of any changes of address, telephone number, or employment, and any emergency that would delay payment to the Trustee [11 U.S.C. § 521(3)].

The Trustee may immediately move to dismiss the case or file a Notice of Delinquency if the debtor fails to meet any term of the plan, without written explanation [11 U.S.C. § 1307(c)(6)].

CHAPTER 13 WEBSITE

The Chapter 13 Trustee's website at www.ch13herkert.com may be accessed to obtain current information regarding Chapter 13 issues, local rules and procedures. Case information may also be obtained directly by accessing www.13network.com or linked through the Trustee's site. Please download an Access Agreement from the website and send the signed original to the Trustee. A login and password will be issued to as soon as practicable after receipt of the original document.

DISCHARGE

The Trustee will file a Chapter 13 Trustee's Notice of Plan Completion and Request for Order Granting the Debtor's Discharge and, if Applicable, Termination of the Employee Wage Deduction Order with the Clerk of the Court and a discharge will be issued to the debtor in due course upon completion of the plan. A Final Report of the Estate will be filed with the Clerk of the Court after all checks have cleared and no undistributed funds remain.

GUIDELINES FOR COMPLETING ONE-PAGE PLAN FORM

①_{a and b} The one-page plan form outlines the complete administration of the case. The Clerk of the Court will notice the initial summary to all creditors. If more space is needed to list creditors in a particular category, the debtor may list those creditors as a separate attachment to the plan. The debtor may file additional information concerning the plan; however the debtor is responsible for noticing that additional information. Note: Under ①_a, indicate the version of the plan that is being filed.

② Calculate an additional 10% to the combined total debt for the Trustee's fee.

③ The plan may not exceed 60 months.

④ Enter the total monthly amount to be paid through the Plan including the 10% Trustee's fee and the number of months it will take to complete each payment level. (For example, \$1100 for months 1-6 reflecting \$1000 for creditors and \$100 for Trustee; \$550 for months 7-24 reflecting \$500 for creditors and \$50 for Trustee)

⑤_a Indicate total amount quoted by attorney for fees.

⑤_b List amount paid directly to attorney.

⑤_c Indicate total amount to be paid to attorney in the plan.

⑤_d Indicate monthly payment amount to attorney in the plan.

⑥_a List each secured creditor to be paid through the plan as it should be listed on the disbursement check. (Make certain to provide the Trustee with accurate addresses and account numbers for creditors and folio numbers for tax accounts.)

⑥_b The arrearage is the total amount due to reinstate or cure the debt as of the petition or conversion date.

⑥_c The arrears payment is the amount to be paid toward the total arrearage due for the months indicated. If this payment changes during the course of the plan, add a line and indicate the change. There should be no more than two levels of arrears payments.

⑥_d The regular payment is the amount which the creditor is due each month pursuant to the terms of the note and which will usually continue past reinstatement. This continuing debt will be paid directly by the debtor to the secured creditor after the cure period.

⑥_e The months for each of the payment levels, the term of the arrears payment, and the regular payment for one creditor should be the same.

⑦ Complete the Local Form Motion to Value Collateral in Plan and Notice of Hearing and serve it on the creditor pursuant to BR 7004 and LR 3015-3.

⑧_a List each creditor to be paid. (Make certain to provide the Trustee with accurate addresses and account numbers for the creditor)

⑧_b The total principal amount due for the pay-off or value of collateral and paid through the Plan is listed in this section and by checking the box

⑧_c Indicate the rate of interest.

- ⑧d Indicate the monthly payments which will include the interest due.
- ⑧e Indicate the months of the plan that the creditor will be paid, eg. months 1 to 36
- ⑧f Indicate the total amount including interest that the creditor will receive
- ⑨a Many types of priority unsecured creditors may be paid after the secured along with general unsecured creditors; however, priority debt in the nature of support (e.g. alimony and child support) should be paid at the same time as the secured. List each priority creditor to be paid. (Make certain to provide the Trustee with accurate addresses and account numbers for the creditor)
- ⑨b List the total amount due to cure the debt as of the petition date.
- ⑨c List the amount of the monthly payment
- ⑨d List the amount of ongoing monthly alimony and child support to be paid through the plan simultaneously with the cure of the support debt.
- ⑩a Unsecured creditors are paid in a class by themselves. They will be paid pursuant to allowed Proofs of Claim. The debtor will be required to pay the total amount provided for even if an early pay-off is allowed.
- ⑩b General unsecured creditors should be paid simultaneously with priority claims.
- ⑩c Allowed unsecured claimants will be paid pro-rata according to the percentage calculated by the Trustee upon review of allowed claims after bar date.

UNITED STATES BANKRUPTCY COURT, SOUTHERN DISTRICT OF FLORIDA
CHAPTER 13 PLAN (Individual Adjustment of Debts) www.flsb.uscourts.gov

1a ☐ _____ Amended Plan (Indicate 1st, 2nd, etc. amended, if applicable)
☐ _____ Modified Plan (Indicate 1st, 2nd, etc. amended, if applicable)

DEBTOR: _____ JOINT DEBTOR _____ CASE NO.: _____
SS# _____ SS# _____

1b ☐ This document is a plan summary. Additional data on file in clerk's office attached to original plan.

2 MONTHLY PLAN PAYMENT: Including trustee's fee not to exceed 10% and beginning 30 days from filing/conversion date, Debtor(s) to pay to the trustee for a period of **3** months:

4 A. \$ _____ for months _____ to _____;
B. \$ _____ for months _____ to _____;
C. \$ _____ for months _____ to _____; in order to pay the following creditors:

Administrative: Attorney's Fee - \$ **5a** TOTAL PAID \$ **5b**
Balance Due \$ **5c** payable \$ **5d** /month (Months _____ to _____)

Secured Creditors: [Retain Liens pursuant to 11 USC § 1325 (a)(5)] Mortgage(s)/Liens on Real or Personal Property:

1. **6a** _____ Arrearage on Petition Date \$ **6b**
Arrears Payment \$ **6c** /month (Months **6e** to _____)
Regular Payment \$ **6d** /month (Months **6e** to _____)

2. _____ Arrearage on Petition Date \$ _____
Arrears Payment \$ _____ /month (Months _____ to _____)
Regular Payment \$ _____ /month (Months _____ to _____)

3. _____ Arrearage on Petition Date \$ _____
Arrears Payment \$ _____ /month (Months _____ to _____)
Regular Payment \$ _____ /month (Months _____ to _____)

7 IF YOU ARE A SECURED CREDITOR LISTED BELOW, THE PLAN SEEKS TO VALUE THE COLLATERAL SECURING YOUR CLAIM IN THE AMOUNT INDICATED. A SEPARATE MOTION (UTILIZING LOCAL FORM MOTION TO VALUE COLLATERAL IN PLAN) WILL ALSO BE SERVED ON YOU PURSUANT TO BR 7004 and LR 3015-3.

Secured Creditor	Value of Collateral	Interest Rate	Plan Payments	Months of Payment	Total Plan Payments
8a	\$ 8b	8c %	\$ 8d	8e To _____	8f
	\$	%	\$	_____ To _____	
	\$	%	\$	_____ To _____	

Priority Creditors: [including non-dischargeable debts paid 100% in plan]

1. **9a** _____ Total Due \$ **9b**
Payable \$ **9c** /month (Months _____ to _____) Regular Payment \$ **9d**

2. _____ Total Due \$ _____
Payable \$ _____ /month (Months _____ to _____) Regular Payment \$ _____

Unsecured Creditors: Pay \$ **10a** /month (Months **10b** to _____).

10c Pro rata dividend will be calculated by the Trustee upon review of filed claims after bar date.

Other Provisions Not Included Above:

I declare that the foregoing chapter 13 plan is true and correct under penalty of perjury.

Debtor _____
Date: _____

Joint Debtor _____
Date: _____

**CHAPTER 13 TRUSTEE
(MIAMI-DADE)**

NANCY N. HERKERT, ESQUIRE
STANDING CHAPTER 13 TRUSTEE
SOUTHERN DISTRICT OF FLORIDA
POST OFFICE BOX 279806
MIRAMAR, FLORIDA 33027
TELEPHONE: (954) 443-4402
FAX: (954) 443-4452

**JUDGES
U.S. BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA**

HONORABLE ROBERT A. MARK
HONORABLE A. JAY CRISTOL
HONORABLE PAUL G. HYMAN, JR.
HONORABLE RAYMOND B. RAY
HONORABLE STEVEN H. FRIEDMAN

COURT'S LOCATIONS

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
51 SOUTHWEST FIRST AVENUE, ROOM 1517
MIAMI, FLORIDA 33130
TELEPHONE: (305) 714-1800
www.flsb.uscourts.com

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION
299 EAST BROWARD BOULEVARD, ROOM 310
FORT LAUDERDALE, FLORIDA 33301
TELEPHONE: (954) 769-5700
www.flsb.uscourts.com

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION
701 CLEMATIS STREET, ROOM 202
WEST PALM BEACH, FLORIDA 33401
TELEPHONE: (561) 514-4100
www.flsb.uscourts.com

LOCATIONS OF 341 MEETINGS

MIAMI DIVISION

341 MEETING OF CREDITORS ROOM
51 S.W. 1st AVENUE
ROOM 102
MIAMI, FL 33130

FT. LAUDERDALE DIVISION

341 MEETING OF CREDITORS ROOM
299 EAST BROWARD BLVD.
ROOM 411
FT. LAUDERDALE, FL 33301

WEST PALM BEACH DIVISION

341 MEETING OF CREDITORS ROOM
VIA JARDIN BUILDING
330 CLEMATIS STREET
ROOM 101
WEST PALM BEACH, FL 33401

EXHIBIT A
UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
www.flsb.uscourts.gov

In re:

Case No.
Chapter 13

Debtor _____ /

**AGREED ORDER TO EMPLOYER TO DEDUCT AND REMIT
AND FOR RELATED MATTERS**

TO: _____ ("The Employer")

The above-named debtor has voluntarily filed a petition and plan under chapter 13 of the United States Bankruptcy Code, seeking to pay, in whole or in part, certain debts under the protection of this court. These debts are to be paid by the chapter 13 trustee from the debtor's future earnings. It is public policy that the employer shall assist in the rehabilitation of the debtor to avoid a chapter 7 liquidation pursuant to 11 U.S.C. 1325(b). Accordingly, pursuant to Local Rule 3070-1(C), this court does hereby order:

1. The Employer immediately shall begin withholding from wages, salary, commission, or other earnings or income of said debtor \$ _____ per month and remit this amount by check (with the debtor's name and case number indicated on the check) to the following assigned chapter 13 trustee: Nancy N. Herkert, at P.O. Box 2099, Memphis, TN 38101-2099

This order shall be effective immediately upon service on the Employer. This order shall remain in full force and effect until modified, suspended or terminated by further order of this court, until the debtor's case is dismissed, until the debtor receives a discharge, or until the required payments to the debtor's chapter 13 plan terminate by operation of the law.

2. The Employer is enjoined and restrained from discharging, terminating, suspending, or discriminating against the debtor for any reason whatsoever in connection with the filing of the chapter 13 petition or this wage-deduction order, the Employer is ordered further to notify the trustee of the discharge, termination, suspension, or discriminatory action, and the specific reason(s) therefor.

3. If a summons of garnishment concerning the debtor has been served on the Employer, this chapter 13 case automatically enjoins and stays the continuation of that garnishment proceeding pursuant to 11 U.S.C. § 362(a); and the Employer is enjoined and stayed from making any further deductions from the debtor's earnings on account of the garnishment, and is ordered to remit immediately to the chapter 13 trustee any sums already deducted and not yet paid over to the garnishment court.

4. This order supersedes any previous order of garnishment or other order issued with respect to the debtor's wages, except for income deduction orders regarding child support, alimony and related support arrearages. Such support orders shall remain in full force and effect. Failure to comply with the provisions of this order may result in an order to show cause why said Employer should not be found in contempt of this court.

5. The debtor shall mail a copy of this order to any garnishment court with an action against the debtor and any garnishing creditor. If stamped self-addressed envelopes are provided, the clerk shall serve copies of this order on the parties listed below. Otherwise, the attorney for the debtor or, if pro se, the debtor must serve copies on the chapter 13 trustee and the Employer.

6. This order shall remain in full force and effect until modified, suspended or terminated in writing by the debtor's attorney for whatever reason or by further order of the Court.

ORDERED in the Southern District of Florida on _____ .

United States Bankruptcy Judge

Agreed to by: (Both debtor and attorney for debtor, if any, must sign)

_____ (The Debtor)

Print name, address and telephone number

_____ (The Debtor's Attorney)

Print name, address and telephone number

c: _____ Debtor

_____ Attorney for Debtor

_____ Chapter 13 trustee

_____ Employer named in this order _____

Exhibit B

NANCY N. HERKERT STANDING CHAPTER 13 TRUSTEE MIAMI-DADE DIVISION SOUTHERN DISTRICT OF FLORIDA

GUIDELINES FOR COMPLETING PLAN MODIFICATIONS AFTER CONFIRMATION

Please adhere to the following procedure when calculating a plan modification after confirmation:

INITIAL PAYMENT

1. Obtain a modification ledger sheet from the Trustee's website or office. If a ledger is obtained from the website, make certain to provide the Trustee with a copy of the ledger with the modified plan.
2. Determine total amount the debtor has paid to Trustee.
3. Divide the total amount paid by the number of months that have passed since filing. Please be sure to use the month before modification begins, not the month after.
4. That amount becomes the monthly amount for the initial months.

MORTGAGE ARREARAGE

1. The arrearage amount for each creditor remains the same as in the original plan or Proof of Claim.
2. Determine the amount paid by the Trustee to each creditor and divide each by the total number of months that have passed since the time of filing.
3. That amount becomes the arrears amount for the initial months.
4. Subtract the total amount paid to date from the original arrearage amount for a new balance due.
5. Divide the new balance by the revised number of months left to cure under the modified plan.
6. That amount is the arrears amount for the modification period.
7. Calculate a new monthly arrears amount for each creditor.

REGULAR CONTINUING MONTHLY PAYMENTS

1. Determine the total number of months under the new cure period according to the modification.
2. Multiply the regular monthly payment by the total cure period.
3. Determine amount paid by the Trustee to each creditor and divide by the total number of months that have passed since the time of filing (month before modification begins).
4. That amount becomes the regular payment amount for the initial months.
5. Subtract the total amount paid to date from the new amount for the modification period to get the new balance due.
6. Divide the new balance by the number of months left to cure.
7. That amount becomes the regular payment amount for the modification period.
8. Calculate a new regular payment amount for each creditor.
9. This new calculation does not change the regular monthly debt, it merely increases the original monthly amount by the post-confirmation arrearage during the modification period. At the end of the cure period, the debtor will resume making the original monthly payment amount directly to the secured creditor.

UNSECURED DEBT

Make certain the percentage paid to all unsecured creditors remains the same as in the originally confirmed plan. The Trustee will object to any plan in which unsecured creditors are prejudiced by the modification.

TOTAL MONTHLY AMOUNTS

1. Total each period and multiply by 10% (Trustee's fee) in the same manner as in a regular plan.
2. Make certain all monthly payments in the modified plan fall within 90-100% of the debtor(s)' current disposable income.
3. Make certain the debtor remits the first payment under the modification in a timely manner.
4. File amended Schedules I and J or an affidavit indicating that the debtor's income and expenses have not changed along with the proposed modification.

MOTION FOR MODIFICATION

Make certain the motion contains language to the effect that the debtor has failed to stay current under the confirmed plan and is asking the Court to allow the modified plan to cure both the pre-petition arrearage and the post-confirmation delinquency during the modified plan term.

The Trustee will object to the modification unless all interested parties are advised of the delinquency and are given an opportunity to appear and be heard at the Modification hearing.

The Trustee will object to the modification if the debtor is not current under the modified plan before the Modification hearing or if the manipulation of the amounts set forth in the modified plan causes the Debtor to be "paid ahead".

The Trustee will immediately move to dismiss any case in which a debtor becomes delinquent under a modified plan and will not agree to any further continuances or payment arrangements

SAMPLE MODIFIED PLANS with worksheet and sample ledger

FACTS: The Debtor made reduced payments for five months and then proposed to modify the plan beginning with the sixth month. The total amount paid to the Trustee during the five initial months is \$3,575.00 ⁽¹⁾. The Secured Lender received \$1,000.00 ⁽³⁾ towards the arrearage of \$12,000 ⁽⁵⁾ leaving a balance due of \$11,000.00. The Secured Lender received \$2,250.00 ⁽⁸⁾ of regular payments based upon the original monthly payment of \$500.00 ⁽¹⁰⁾.

ORIGINAL PLAN

This plan uses 94% of the Debtor's disposable income (\$875).

A. \$ 825 for months 1 to 48

B. \$ 374 for months 49 to 55

SECURED CREDITORS

Lender Arrearage \$ 12,000 through filing date
Arrears Payment \$ 250 /mo. (Mos. 1 to 48)
Regular Payment \$ 500 /mo. (Mos. 1 to 48)

UNSECURED CREDITORS: Pay \$ 340 /mo. (Mos. 49 to 55) Pro rata dividend will be calculated by the Trustee upon review of filed claims after bar date.

NOTE: The Trustee will calculate the estimated percentage prior to the bar date and that amount will be listed in the claim record. In this case there will be an estimated pro rata dividend 10 % based on claims listed in schedules

Date: May 12, 200x
Sample

MODIFICATION LEDGER

Debtor(s):	JOHN DEBTOR	Case No.: 02-10000
Petition Filed:	Fri Jan 12, 200x	Attorney Name: LEGAL EAGLE
Date Confirmed:	Wed Mar 27, 200x	Atty Fee in Plan: .00
Total Paid In:	3,575.00 ⁽¹⁾	Atty Arrears Amt.: .00
Balance on Hand:	.00	Atty. Paid to Date: .00
% to Unsecured:	.10	

<u>Creditor Name</u>	<u>Type</u>	<u>Claim Amt.</u>	<u>Prin. Owed</u>	<u>Prin. Paid.</u>	<u>Mo. Pymt.</u>
Lender	R	24,000.00	21,750.00	2,250.00 ⁽⁸⁾	500.00 ⁽¹⁰⁾
Lender	M	12,000.00 ⁽⁵⁾	11,000.00	1,000.00 ⁽³⁾	250.00
Car Company	D	.00	.00	.00	.00
Unsecured Creditor #1	U	1,565.00	156.50	.00	.00
Unsecured Creditor #2	U	1,815.00	181.50	.00	.00
Unsecured Creditor #3	U	2,395.00	239.50	.00	.00
Unsecured Creditor #4	U	5,932.00	593.20	.00	.00
Unsecured Creditor #5	U	8,256.00	825.60	.00	.00
Unsecured Creditor #6	U	5,725.00	572.50	.00	.00

TYPICAL TYPE CODES USED

R = Regular Payment
M = Mortgage Arrears
S = Secured
U = Unsecured
P = Priority

**SAMPLE
MODIFIED PLAN I**

This modified plan extends the cure two months. It uses the same 94% of the Debtor's disposable income.

- A. \$ 715 for months 1 to 5
- B. \$ 825.02 for months 6 to 50
- C. \$ 374 for months 51 to 57

SECURED CREDITORS

<u>Lender's Name</u>	<u>Arrearage \$ 12,000 through filing date</u>	
	Arrears Payment	\$ <u>200</u> /mo. (Mos. <u>1</u> to <u>5</u>) (4)
	Regular Payment	\$ <u>450</u> /mo. (Mos. <u>1</u> to <u>5</u>) (9)
	Arrears Payment	\$ <u>244.45</u> /mo. (Mos. <u>6</u> to <u>50</u>) (7)
	Regular Payment	\$ <u>505.56</u> /mo. (Mos. <u>6</u> to <u>50</u>) (11)

UNSECURED CREDITORS remain the same as in the original plan.

The sample modification worksheet used to calculate the numbers is provided on the next page

MODIFICATION WORKSHEET
used with the sample Modified Plan I

TOTAL AMOUNT PAID TO DATE: 3,575.00 (1)

divided by the NUMBER OF MONTHS SINCE FILING 5

equals the MONTHLY AMOUNT FOR INITIAL MONTHS 715.00 (2)

ARREARAGE (calculate for each creditor separately)

AMOUNT PAID TO DATE TO CREDITOR AS ARREARAGE: 1,000.00 (3)

divided by the NUMBER OF MONTHS SINCE FILING: 5

equals the MONTHLY AMOUNT THE CREDITOR ACTUALLY
RECEIVED FOR THOSE INITIAL MONTHS 200.00 (4)

PRE-PETITION ARREARAGE 12,000.00 (5)

subtract the AMOUNT PAID TO DATE: 1,000.00 (3)

REMAINING AMOUNT DUE FOR ARREARAGE: 11,000.00 (6)

divided by the REVISED REMAINING NUMBER OF
MONTHS TO CURE: 45

equals the MONTHLY AMOUNT THE CREDITOR WILL
RECEIVE FOR THE REMAINING CURE PERIOD: 244.44 (7)

REGULAR PAYMENTS (calculate for each creditor separately)

AMOUNT CREDITOR PAID TO DATE AS REGULAR PAYMENTS: 2,250.00 (8)

divided by the NUMBER OF MONTHS SINCE FILING: 5

equals the MONTHLY AMOUNT THE CREDITOR ACTUALLY
RECEIVED FOR INITIAL MONTHS 450.00 (9)

REGULAR CONTINUING PAYMENT AMOUNT: 500.00 (10)

times REVISED TOTAL NUMBER OF MONTHS TO CURE 50

equals the TOTAL AMOUNT OF REGULAR PAYMENTS
DUE TO THE CREDITOR: 25,000.00

subtract AMOUNT CREDITOR PAID TO DATE: 2,250.00 (8)

REMAINING AMOUNT DUE FOR REGULAR PAYMENTS: 22,750.00

divided by the REVISED REMAINING NUMBER
OF MONTHS TO CURE: 45

equals the MONTHLY AMOUNT THE CREDITOR WILL
RECEIVE FOR THE REMAINING CURE PERIOD: 505.55 (11)

SAMPLE
MODIFIED PLAN II

This modified plan increases payments without extending the cure period. It uses 96% of the Debtor's disposable income.

- A. \$ 715 for months 1 to 5
- B. \$ 837.80 for months 6 to 48
- C. \$ 374 for months 49 to 55

SECURED CREDITORS

<u>Lender</u>	<u>Arrearage \$ 12,000 through filing date</u>	
Arrears Payment	\$ <u>200</u> /mo. (Mos. <u>1</u> to <u>5</u>)	(4)
Regular Payment	\$ <u>450</u> /mo. (Mos. <u>1</u> to <u>5</u>)	(9)
Arrears Payment	\$ <u>255.82</u> /mo. (Mos. <u>6</u> to <u>48</u>)	(7)
Regular Payment	\$ <u>505.82</u> /mo. (Mos. <u>6</u> to <u>48</u>)	(11)

UNSECURED CREDITORS remain the same as in the original plan.

The sample modification worksheet used to calculate the numbers is provided on the next page

MODIFICATION WORKSHEET
used with the sample Modified Plan II

TOTAL AMOUNT PAID TO DATE: 3,575.00 (1)
divided by the NUMBER OF MONTHS SINCE FILING 5
equals the MONTHLY AMOUNT FOR INITIAL MONTHS 715.00 (2)

ARREARAGE (calculate for each creditor separately)

AMOUNT PAID TO DATE TO CREDITOR AS ARREARAGE: 1,000.00 (3)
divided by the NUMBER OF MONTHS SINCE FILING: 5
equals the MONTHLY AMOUNT THE CREDITOR ACTUALLY
RECEIVED FOR THOSE INITIAL MONTHS 200.00 (4)

PRE-PETITION ARREARAGE 12,000.00 (5)

subtract the AMOUNT PAID TO DATE: 1,000.00 (3)

REMAINING AMOUNT DUE FOR ARREARAGE: 11,000.00 (6)

divided by the REVISED REMAINING NUMBER OF
MONTHS TO CURE: 43

equals the MONTHLY AMOUNT THE CREDITOR WILL
RECEIVE FOR THE REMAINING CURE PERIOD: 255.82 (7)

REGULAR PAYMENTS (calculate for each creditor separately)

AMOUNT CREDITOR PAID TO DATE AS REGULAR PAYMENTS: 2,250.00 (8)

divided by the NUMBER OF MONTHS SINCE FILING: 5

equals the MONTHLY AMOUNT THE CREDITOR ACTUALLY
RECEIVED FOR INITIAL MONTHS 450.00 (9)

REGULAR CONTINUING PAYMENT AMOUNT: 500.00 (10)

times REVISED TOTAL NUMBER OF MONTHS TO CURE 48

equals the TOTAL AMOUNT OF REGULAR PAYMENTS
DUE TO THE CREDITOR: 24,000.00

subtract AMOUNT CREDITOR PAID TO DATE: 2,250.00 (8)

REMAINING AMOUNT DUE FOR REGULAR PAYMENTS: 21,750.00

divided by the REVISED REMAINING NUMBER
OF MONTHS TO CURE: 43

equals the MONTHLY AMOUNT THE CREDITOR WILL
RECEIVE FOR THE REMAINING CURE PERIOD: 505.82 (11)

MODIFICATION WORKSHEET

TOTAL AMOUNT PAID TO DATE: _____

divided by the NUMBER OF MONTHS SINCE FILING _____

equals the MONTHLY AMOUNT FOR INITIAL MONTHS _____

ARREARAGE (calculate for each creditor separately)

AMOUNT PAID TO DATE TO CREDITOR AS ARREARAGE: _____

divided by the NUMBER OF MONTHS SINCE FILING: _____

equals the MONTHLY AMOUNT THE CREDITOR ACTUALLY
RECEIVED FOR THOSE INITIAL MONTHS _____

PRE-PETITION ARREARAGE _____

subtract the AMOUNT PAID TO DATE: _____

REMAINING AMOUNT DUE FOR ARREARAGE: _____

divided by the REVISED REMAINING NUMBER OF
MONTHS TO CURE: _____

equals the MONTHLY AMOUNT THE CREDITOR WILL
RECEIVE FOR THE REMAINING CURE PERIOD: _____

REGULAR PAYMENTS (calculate for each creditor separately)

AMOUNT CREDITOR PAID TO DATE AS REGULAR PAYMENTS: _____

divided by the NUMBER OF MONTHS SINCE FILING: _____

equals the MONTHLY AMOUNT THE CREDITOR ACTUALLY
RECEIVED FOR INITIAL MONTHS _____

REGULAR CONTINUING PAYMENT AMOUNT: _____

times REVISED TOTAL NUMBER OF MONTHS TO CURE _____

equals the TOTAL AMOUNT OF REGULAR PAYMENTS
DUE TO THE CREDITOR: _____

subtract AMOUNT CREDITOR PAID TO DATE: _____

REMAINING AMOUNT DUE FOR REGULAR PAYMENTS: _____

divided by the REVISED REMAINING NUMBER
OF MONTHS TO CURE: _____

equals the MONTHLY AMOUNT THE CREDITOR WILL
RECEIVE FOR THE REMAINING CURE PERIOD: _____



IMPORTANT INFORMATION FOR CHAPTER 13 DEBTORS AND CHAPTER 13 CREDITORS

CHAPTER 13 DEBTORS:

- ◆ You must use this court's current local plan form (LF-31) to file your plan.
- ◆ Within 30 days of **filing** your chapter 13 petition, you must begin making your plan payments to the chapter 13 trustee assigned to your case. (See address below). If you are not current with your payments at the meeting of creditors, your case will be dismissed without further notice or hearing. **(See Local Rule 3070-1)**.
- ◆ At the time of filing your chapter 13 plan, you must serve on your chapter 13 trustee evidence of your income, including copies of your tax return for the year preceding the filing of the petition and your last three pay stubs received prior to the filing of your petition. **(See Local Rule 2083-1)**. Do **not** file these papers or a certificate of service of these papers with the clerk's office.
- ◆ All required schedules, statements, lists and your plan are due within 15 days of filing your petition (if you didn't file them when you filed your petition). If you do not timely file these papers, your case will be dismissed without further notice or hearing.
- ◆ You (both spouses, if joint petition) must attend the meeting of creditors scheduled for your case or the case will be dismissed.
- ◆ You (both spouses, if joint petition) must present to the Trustee at the meeting of creditors your original government issued photo ID and original (not a copy) proof of your Social Security Number.
- ◆ At the meeting of creditors you must bring for the IRS re-signed copies of joint tax returns (including applicable schedules and W-2 forms for the three years preceding the filing of your case). **(See Local Rule 2083-1)**.
- ◆ If you are paying your filing fee in installments and fail to timely make a payment, your case will be dismissed without further notice.

Chapter 13 Creditors:

When you file a claim with the clerk's office, you must also serve a copy of your claim including all attachments on the debtor, the attorney for the debtor and the chapter 13 trustee. **(See Local Rule 3002-1(E))**.

CHAPTER 13 TRUSTEES' CONTACT INFORMATION

DADE AND NORTH DADE DIVISION CODE 5 CASES: NANCY HERKERT, P.O. Box 279806, Miramar, FL 33027; Phone: (954) 443-4402; Web page <http://www.ch13herkert.com> Commencing May 1, 2003, all chapter 13 plan payments **must** be mailed to a lock box at the following new address: NANCY N. HERKERT, CHAPTER 13 TRUSTEE, P.O. BOX 2099, MEMPHIS, TN 38101-2099.

BROWARD AND PALM BEACH DIVISION CASES: ROBIN WEINER, P.O. Box 559007, Ft. Lauderdale, FL 33355-9007; Phone: (954) 382-2001; Web page <http://www.ch13weiner.com>. Commencing January 1, 2002, all chapter 13 plan payments **must** be mailed to a lock box at the following new address: ROBIN R. WEINER, CHAPTER 13 TRUSTEE, P.O. BOX 2258, MEMPHIS, TN 38101-2258.